

11-26-01

A

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No.

AB-147U

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of () application identifier or (X) first named inventor, Todd K. Whitehurst, entitled Systems and Methods for Modulation of Pancreatic Endocrine Secretion and Treatment of Diabetes for a(n):

- (X) Original Patent Application.
 () Continuing Application (prior application not abandoned):
 () Continuation () Divisional () Continuation-in-part (CIP)
 of prior Application No. _____, filed on _____.

Enclosed are:

- (X) Application Data Sheet 1 Total Sheet(s).
 (X) Non-Publication Request 1 Total Sheet(s).
 (X) Specification; 37 Total Pages + cover sheet.
 (X) Drawing(s); 9 Total Sheets of formal drawings + 9 Total Sheets of copy of drawings.
 (X) Oath or Declaration:
 (X) A Newly Executed Combined Declaration and Power of Attorney:
 (X) Signed. () Unsigned. () Partially Signed.
 () A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).
 () Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the
 oath or declaration is supplied, is considered as being part of the disclosure of the accompanying
 application and is hereby incorporated herein by reference.
 () Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).
 (X) Return Receipt Postcard.

| CLAIMS AS FILED | | | | |
|--|-----------|-----------|---------|------------|
| FOR | NO. FILED | NO. EXTRA | RATE | FEE |
| Total Claims | 29 | 9 | \$18.00 | \$162.00 |
| Independent Claims | 5 | 2 | \$84.00 | \$168.00 |
| Multiple Dependent Claim Fee (if applicable) | | | | \$0.00 |
| Assignment Recording Fee (if applicable) | | | | \$0.00 |
| Basic Filing Fee | | | | \$740.00 |
| Total Filing Fee | | | | \$1,070.00 |

Please charge \$1,070.00 to Deposit Account No. 50-0648 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, the Commissioner is hereby authorized to charge any fees required under any provision of 37 CFR § 1.16 or 37 CFR § 1.17, or credit any overpayment, to the indicated Deposit Account. A duplicate copy of this sheet is enclosed for fee processing against this Deposit Account.

Respectfully submitted,

By:

Laura Haburay Bishop, Reg. No. 47,424

Date: November 06, 2001

Correspondence Address: Advanced Bionics Corporation
12740 San Fernando Rd.
Sylmar, CA 91342



23845

PATENT TRADEMARK OFFICE

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Assistant Commissioner for Patents
 Box Patent Application
 Washington, D.C. 20231

By:

Typed Name: Victoria Aguilera

Express Mail Label No.: EL844239808US

Date of Deposit: November 06, 2001

11/06/01



11054 U.S. PTO



09/993084

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|---|--|----------------------|--|
| NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i) | | First Named Inventor | Whitehurst, et al. |
| | | Title | Systems and Methods for Modulation of Pancreatic Endocrine Secretion and Treatment of Diabetes |
| | | Atty Docket Number | AB-147U |

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

November 06, 2001

Date


Signature

Laura Haburay Bishop, Reg. No. 47,424

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

FORM T-400E-660